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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/704,569 | 11/03/2000 | Herman Rodriguez | AUS9-2000-0488-US1 | 2337 |

40412 7590 09/09/2005

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| EXAMINER |
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ROBINSON BOYCE, AKIBA K

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| ART UNIT | PAPER NUMBER |
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3639

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/704,569

Applicant(s)

RODRIGUEZ ET AL.

Examiner

Akiba K. Robinson-Boyce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,14,15,18,20-23,25,27,28,30-33,35 and 37-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-10,14,15,18,20-23,25,27,28,30-33,35 and 37-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/18/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Handwritten signature

DETAILED ACTION

Status of Claims

1. Due to communications filed 6/27/05, the following is a non-final office action. Prosecution for this case has been re-opened, and the previous office action has been withdrawn. Claims 1, 3-10, 14, 15, 18, 20-23, 25, 27, 28, 30-33, 35, and 37-41 are pending in this application. Claims 1, 3-10, 14, 15, 18, 20-23, 25, 27, 28, 30-33, 35, and 37-41 are rejected as follows.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 28, 30-33, 35, 37, 40 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of :

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful art" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory

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subject matter. For a process claim, the recited process must somehow apply, involve, use, or advance the technological arts.

In the present case, claim 28 is directed to a computer program product for handling travel arrangements. Claim 28 discloses "means for scheduling...", "means for recording...", and "means for sending...". These steps do produce a tangible result, however they represent mere ideas in the abstract since they do not recite computer software or hardware embedded on a tangible medium for processing the steps of this claim. This claim only discloses a computer program product. However, this computer program product is not embodied on a tangible medium. Since no computer software or hardware embodied on a tangible medium is present in this claim, this claim and all claims that depend from this claim (Claims 30-33, 35, 37 and 40) are therefore found to be non-statutory.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3, 18, 20, 28, 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Flake et al (US 5,832,451).

As per claims 1, 28, Flake et al discloses:

Scheduling/means for scheduling the travel arrangements using a computer system, (col. 7, lines 23-25, completing travel arrangements);

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Recording/means for recording the scheduled travel arrangements on a nonvolatile storage device connected to the computer system, (col. 7, lines 25-27, stores travel arrangement information);

Sending/means for sending one or more automated requests corresponding to the travel arrangements from the computer system to one or more service agents, wherein the automated requests are based on a traveler's user profile, and wherein at least one of the service agents are selected from the group consisting of a delivery service agent, a telephone system, an electronic calendar system, and a medical information system, (Col. 2, lines 19-24, automatically retrieves, and displays for decision-making by an agent information retrieved from the customer profile, col. 3, lines 42-48, communication between customer and agent is a telephone system)

As per claim 3, 20, 30, Flake et al discloses:

sending includes one of sending an automatic email message, sending an automatic facsimile, and sending an automatic data stream using a predefined protocol, (col. 3, lines 48-50, facsimile machine, providing E-mail communications).

As per claim 18, Flake et al discloses:

one or more processors, (Col. 20, line 51, processor);
a nonvolatile storage device accessible by the processors, (Col. 20, line 51, coupled to the database);

a travel automation tool, the travel automation tool including:

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means for scheduling travel arrangements using a computer system, (Col. 20, lines 65-67, shows that the processor generates travel arrangements);

means for recording the scheduled travel arrangements on the nonvolatile storage device, (col. 7, lines 24-28, using the workstation to store the travel arrangement information in the relational database); and

means for sending one or more automated requests from the information handling system to one or more service agents, wherein the automated requests are based on a traveler's user profile, wherein at least one of the service agents are selected from the group consisting of a delivery service agent, a telephone system, and electronic calendar system, and a medical information system, (Col. 2, lines 19-24, automatically retrieves, and displays for decision-making by an agent information retrieved from the customer profile in response to a customer's travel request, col. 3, lines 42-48, communication between customer and agent is a telephone system).

The following is inherent with Flake et al:

a memory accessible by the processors.

This limitation is inherent with Flake et al since it is disclosed that information is stored by the processor as shown in col. 22, lines 1-3. Here, it is shown that the processor is further operable to store the integrated inventory information in the database.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 25, 35 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flake et al (US 5,832,451), as applied to claim 1 above, and further in view of Gershman et al (US 6,401,085).

As per claims 25, 35, 41, Flake et al does not specifically disclose the following, but does disclose receiving automated requests in col. 20, line 55, where a processor is operable to receive a travel request from a customer.

However, Gershman et al discloses:

Receiving/Mean for receiving the automated request at the electronic calendar system, (Col. 10, lines 62-65, receiving input text in character form indicative of the target meeting, where the input text is generated by a calendar program);

Updating/Mean for updating an electronic calendar maintained by the electronic calendar system with information related to the travel arrangements, (Col. 11, lines 15-18, system updates the calendaring system, w/ col. 45, lines 48-56, shows the user can select travel when using a calendaring system to manage daily logistics display in accordance with the embodiment of the invention).

Gershman et al discloses this information in an analogous art for the purpose of showing that travel can be implemented in a calendaring system.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to receive automated requests at, and to update an electronic calendaring system with the motivation of using a calendaring system to manage travel information.

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8. Claims 4-10, 21-23, 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flake et al (US 5,832,451), and further in view of Levine (US 6,076,121), as cited by applicant.

As per claims 4, 21, 31, Flake et al fails to disclose wherein the delivery service agents include one or more parcel services, and wherein the automated requests include one of holding packages for customer pickup, delivering packages on a future date, and leaving packages with a neighbor, but does disclose an agent that processes a customer's travel requests in the abstract, lines 7-10.

However, Levine discloses:

wherein the delivery service agents include one or more parcel services, and wherein the automated requests include one of holding packages for customer pickup, delivering packages on a future date, and leaving packages with a neighbor, (col. 2, lines 8-14, [mail or parcel system, where holding packages for customer pickup, delivering packages on a future date and leaving packages with a neighbor are obvious with the system since the system is directed towards a postal business and these types of requests are common and standard in postal operations]). Levine discloses this limitation in an analogous art for the purpose of showing that a parcel service can be incorporated into a delivery service agent system.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for an automated request to include one of holding packages for customer pickup, delivering packages on a future date, and leaving packages with a

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neighbor with the motivation of getting the package to the owner in a reasonable amount of time.

As per claim 5, Flake et al fails to disclose wherein the delivery services include a post office, and wherein the automated holding mail for on a future date address requests include at least one of customer pickup, delivering mail and forwarding mail to another, but does disclose a travel service management information system in col. 2, lines 13-17.

However Levine discloses:

wherein the delivery services include a post office, and wherein the automated holding mail for on a future date address requests include at least one of customer pickup, delivering mail and forwarding mail to another, (Col. 2, lines 14-17, [post office and parcel handling offices, where customer pickup, delivering and forwarding mail are obvious with the system since the system is directed towards a postal business and these types of requests are common and standard in postal operations])). Levine discloses this limitation in an analogous art for the purpose of showing that post office services can be incorporated into a delivery service agent system.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for an automated request to include customer pickup, delivering and forwarding mail with the motivation of getting the package to the owner in a reasonable amount of time.

As per claim 6, Flake et al fails to disclose wherein the delivery services includes a company mailroom, and wherein the automated requests include at least one of

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holding mail for future pickup, delivering mail on a future date, and forwarding mail to another address, but does disclose a travel service management information system in col. 2, lines 13-17.

However Levine discloses:

wherein the delivery services includes a company mailroom, and wherein the automated requests include at least one of holding mail for future pickup, delivering mail on a future date, and forwarding mail to another address, (Col. 2, line 28, [shows sorting which occurs in a mailroom, where holding mail for future pickup, delivering mail on a future date and forwarding mail to another address are obvious with the system since the system is directed towards a postal business and these types of requests are common and standard in postal operations. Levine discloses this limitation in an analogous art for the purpose of showing that post office services can be incorporated into a delivery service agent system.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for an automated request to include holding mail for future pickup, delivering mail on a future date and forwarding mail to another address with the motivation of getting the package to the owner in a reasonable amount of time.

As per claims 7, 22, 32, Flake et al fail to disclose wherein the service agents include one or more of the telephone systems and wherein the sending automated requests include configuring instructions corresponding to a telephone, but does disclose a travel service management information system in col. 2, lines 13-17.

However Levine discloses:

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wherein the service agents include one or more telephone systems and wherein the sending automated requests include configuring instructions corresponding to a telephone, (Col. 8, lines 45-47, [telephone network], Col. 12, lines 20-35, [assigning FP code represents configuring]). Levine discloses this limitation in an analogous art for the purpose of showing that telephone services can be incorporated into a delivery service agent system.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include configuring instructions corresponding to a telephone with the motivation of properly guiding the user for telephone operation.

As per claim 8, Flake et al fail to disclose wherein the configuring requests include at least one of changing a voicemail greeting, forwarding calls received at a first phone number to a second phone number, transferring a caller to an alternate phone number, and providing the caller with an emergency contact, but does disclose a travel service management information system in col. 2, lines 13-17.

However Levine discloses:

wherein the configuring requests include at least one of changing a voicemail greeting, forwarding calls received at a first phone number to a second phone number, transferring a caller to an alternate phone number, and providing the caller with an emergency contact, (Col. 22, lines 37-43, [call forwarding]). Levine discloses this limitation in an analogous art for the purpose of showing that telephone services can be incorporated into a delivery service agent system.

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It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include call forwarding in the configuring request with the motivation of guaranteeing a successful telephone connection.

As per claims 9, 23, 33, Flake et al fails to disclose registering the telephone with an email system prior to the configuring, wherein the registering includes sending a message to the email system, but does disclose an email system in col. 3, lines 49-50.

However Levine discloses:

registering the telephone with an email system prior to the configuring, wherein the registering includes sending a message to the email system, (Col. 1, lines 32-40, [voice signals being carried to the Internet server], col.2 , lines 51-61, [shows e-mail message]). Levine discloses this limitation in an analogous art for the purpose of showing that telephone and email services can be incorporated into a delivery service agent system.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to register the telephone with an email system prior to the configuring with the motivation of guaranteeing another contact means.

As per claim 10, Flake et al fails to disclose setting a backup contact name, wherein the backup contact name corresponds with an alternate phone number, and receiving a predefined signal from a calling telephone requesting the transferring to the alternate phone number, but does disclose a travel service management information system in col. 2, lines 13-17.

However Levine discloses:

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setting a backup contact name, wherein the backup contact name corresponds with the alternate phone number, and receiving a predefined signal from a calling telephone requesting the transferring to the alternate phone number, (col. 22, lines 13-25, [translated pseudo-number connection to a temporary intermediate destination/different destination due to signals]. Levine discloses this limitation in an analogous art for the purpose of showing that a signal can be responsible for connections to certain destinations]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to set a backup contact name, wherein the backup contact name corresponds with the alternate phone number, and receive a predefined signal from a calling telephone requesting the transferring to the alternate phone number with the motivation of guaranteeing a telephone connection with an available person.

9. Claims 14,15, 27, 37, are rejected under 35 U.S.C. 103(a) as being unpatentable over Flake et al (US 5,832,451), and further in view of Berman et al (US 5,995,939).

As per claim 14, Flake et al fails to disclose receiving the automated request at the medical information system, and downloading destination related medical information to a computing device that is accessible by a user in response to the received request, but does disclose receiving an automated request in col. 7, lines 4-7, where it is shown that a customer request is routed to an agent by a software-assisted routine.

However Berman et al discloses:

receiving the automated request at the medical information system, (Col. 3, lines 64-67, [crate/send service message]);

and downloading destination related medical information to a computing device that is accessible by a user in response to the received request, (Col. 12, lines 24-35, [retrieving e-mail addresses for sponsoring systems]). Berman et al discloses these limitations in an analogous art for the purpose of showing that a medical information system can be incorporated into a travel arrangement system.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to receive an automated request and download destination related medical information to a computing device with the motivation of properly delivering medical data to a device that is easily accessible by a user.

As per claim 15, Flake et al fails to disclose wherein the medical information corresponds with one or more medical services offered at a travel destination, but does disclose completing travel arrangements in col. 7, line 23.

However Berman et al discloses:

wherein the medical information corresponds with one or more medical services offered at a travel destination, (Col. 2, line 26-31, [correspondence between the office and the testing lab]). Berman et al discloses this limitation in an analogous art for the purpose of showing that medical information can be incorporated into a travel arrangement system.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for the medical information to correspond with one or more medical

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service offered at a travel destination with the motivation of providing means for a user to acquire medical treatment in a reasonable amount of time.

As per claims 27, 37, Flake et al discloses:

means for receiving the automated request at a second information handling system, (Col. 3, lines 48-49, shows a second subsystem that a customer can communicate with may be a facsimile, w/ Col. 2, lines 19-24, automatically retrieves, and displays for decision-making by an agent information retrieved from the customer profile in response to a customer's travel request or col. 20, line 55, a processor operable to receive a travel request form a customer).

means for searching a database connected to the second information handling system for requested information, (col. 20, lines 57-58, processor operable to automatically access the database in response to the reception of a travel request).

means for downloading...information resulting from the searching to a computing device that is accessible by a user, (Col. 4, lines 36-42, shows automated downloading of information).

Flake et al does not disclose that the downloaded information is destination related medical information, however, does disclose downloading information as described above.

However, Berman et al disclose:

Downloading destination related medical information, (Col. 12, lines 24-35, retrieving e-mail addresses for sponsoring systems represents downloading of information, w/ Col. 2, line 26-31, where medical information is shown to be the

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correspondence between the office and the testing lab. Berman et al discloses these limitations in an analogous art for the purpose of showing that a medical information system can be incorporated into a travel arrangement system.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to receive an automated request and download destination related medical information to a computing device with the motivation of properly delivering medical data to a device that is easily accessible by a user.

10. Claims 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flake et al (US 5,832,451), and further in view of Felger (6,553,108).

As per claims 38-40, Flake et al fails to disclose wherein one of the automated requests results in increasing an user's electronic wallet balance and decreasing a user's bank account balance, the user corresponding to the travel arrangements, but does disclose completing travel arrangements in col. 7, line 23.

However, Felger discloses:

wherein one of the automated requests results in increasing an user's electronic wallet balance and decreasing a user's bank account balance, the user corresponding to the travel arrangements, (Abstract, lines 1-32, [request received from user and information associated with a credit account requested, and charging the user's credit account, w/ Col. 13, lines 61-66, [where the credit account is shown to be an e-wallet to pay a fee. In this case, since the credit account is shown to be an e-wallet, it is obvious that when a fee is presented, the user's bank account, which is associated with the e-wallet is decreased, therefore causing an increase of the same amount in the e-wallet

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account])). Felger discloses this limitation in an analogous art for the purpose of showing that electronic wallets are used to pay fees for value added services.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for one of the automated requests to result in increasing an user's electronic wallet balance and decreasing a user's bank account balance, the user corresponding to the travel arrangements with the motivation of showing that electronic wallets can be used in handling travel arrangements.

Response to Arguments

11. Applicant's arguments with respect to claims 1, 3-10, 14, 15, 18, 20-23, 25, 27, 28, 30-33, 35, and 37-41 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Tuesday 8:30am-5pm, and Wednesday, 8:30 am-12:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238

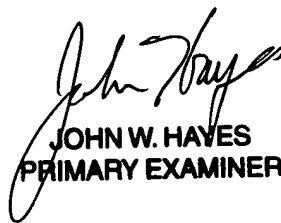
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[After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

ARB

A. R. B.
August 30, 2005


JOHN W. HAYES
PRIMARY EXAMINER